IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Regular Second Appeal No.259 Of 1999.

Nathu Lal Patwari & Others Vs. Rajeshwar Prasad & Ors.

Date Of Order ::: 22.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. R.P. Garg, Counsel for defendant-appellants
Mr. Hari Prakash, the appellant ½ present in-person
Mr. Amod Kasliwal, Counsel for plaintiff-respondents

By the Court :

Heard learned counsel for both the parties.

Learned counsel for the defendant-appellants, on instructions of his client, who is present in-person in the Court, does not press this second appeal on merits and prays for grant of some reasonable time for handing over the vacant and peaceful possession of the rented premises.

Learned counsel for the plaintiff-respondent, on instructions of his client, does not object about the grant of some reasonable time for handing over the

vacant and peaceful possession of the rented premises.

Both the parties agree to dispose off this second appeal on the following terms and conditions :-

1. The defendant-appellants undertake to hand-over the vacant and peaceful possession of the suit premises, in dispute to the plaintiff respondents on or before 22.11.2007. The plaintiff respondents shall not execute the impugned decree till 22.11.2007.

2. The defendant-appellants undertake to pay or deposit the entire arrears of mesne profit, if any within a period of one month from today and will further continue to pay the monthly mesne profit by 15th day of the next succeeding month or in advance to the plaintiff respondents.

3. The defendant-appellants further undertake that he shall not sub-let, assign or part with the possession of the suit premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.

4. The defendant-appellants shall furnish a written undertaking incorporating the aforesaid conditions in the Lower Court within a period of four weeks from today with an advance copy to the opposite party.

5. The plaintiff-respondents shall furnish their bank account to the defendant-appellants or his counsel within a period of two weeks from today. In case, the details of the bank account are furnished by the plaintiff-respondents then the defendant-appellants are

directed to deposit the amount of all arrears as well as future mesne profits in the said bank account of the plaintiff-respondents. In case the details of the bank account are not furnished by the plaintiff-respondents then it will be open for the defendant-appellants to deposit the amount, as directed above, in the lower Court itself.

It is made clear that in case, the defendant appellants do not comply with any of the aforesaid conditions, then it will be open for the plaintiff respondents to get decree passed in their favour executed even before the aforesaid date and to initiate contempt proceedings in this Court.

With the aforesaid terms, conditions and directions, the second appeal is accordingly dismissed as not pressed.

(Narendra Kumar Jain) J.

ashok/